

CITY OF DANBURY

155 DEER HILL AVENUE DANBURY, CONNECTICUT 06810

PLANNING COMMISSION (203) 797-4525 (203) 797-4586 (FAX)

MINUTES MAY 16, 2012

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The regular meeting was called to order by Chairman Arnold Finaldi Jr. at 7:35 PM.

Present were Fil Cerminara, Helen Hoffstaetter, Joel Urice, Arnold Finaldi Jr. and Alternate Michael Ferguson. Also present was Associate Planner Jennifer Emminger.

Absent was_Kenneth Keller.

Chairman Finaldi asked Mr. Ferguson to take Mr. Keller's place for the items on tonight's agenda.

PUBLIC HEARING

7:30 PM -- <u>Joseph J. & Paul F. LoStocco - Application for Special Exception to allow Outdoor Storage of Construction Equipment (Decker Family Rental) in the CG-20 Zone - 108 Federal Rd. (#L09024) - SE #725.</u>

Ms. Hoffstaetter read the legal notice. Attorney Paul Jaber spoke in favor of this application. He said the previous use of this site was a used car dealership; it is located next to the former Bennigan's restaurant. The former occupants have moved their dealership to 90 Federal Rd. This is a family business that rents tools and small equipment. The applicants have two other similar facilities in Westchester County. They deal in small tools and very small construction equipment; they are not a contractor's yard of any sort. There will be no large equipment on this site and there is a small screened area in the rear of this property that will be used for any outdoor storage. The building is small and this will be a small operation. A revised plan was submitted yesterday to address the comments in the Staff Report. Mr. Urice asked if all equipment will be stored in a retracted state. Mr. Cerminara asked if all equipment will be stored in the rear area. Attorney Jaber said there is 3,500 sq.ft. of storage area. Ms. Hoffstaetter asked if any outdoor display areas are proposed. Attorney Jaber said no.

Chairman Finaldi asked for opposition and one person came forward.

Attorney David Grogins said he represents Communal Properties LLC, who are the owners of the Bennigan's site. They were concerned because the description of this business sounded like a contractors' yard. Since this is for storage of small construction equipment, he would like to register concern about possible outdoor storage. He cited the conditions from the Regulations that must be met for this Commission to grant a special exception.

Planning Commission Minutes May 16, 2012 Page 2

He said his clients were really concerned about the storage of large equipment and if it would be allowed to idle on the site. They are looking for some kind of limitation to be put on the use of the facility so this would not occur. Mrs. Emminger said this was only reviewed by the Planning Dept. and all of the comments in the Staff Report have been addressed. Chairman Finaldi said they can close the hearing. Ms. Hoffstaetter said she would like clarification on the hours of operation and the types of equipment they will have

Michael Decker, one of the applicants said the hours of operation will be Monday through Saturday from 6:30 AM to 5:30 PM. He said they do not run the equipment in their yard because they do not like to waste fuel. Vibration is not a concern because they don't actually do any contracting work. They do not handle any party or medical equipment. They cater mainly to homeowners and light contractors. Ms. Hoffstaetter asked about the visual site line. Mr. Decker said the area between this parcel and the restaurant is to be screened with a 6 ft. high fence with screening slats so someone in the restaurant would not be looking at equipment. Also, most equipment is rented in the early morning, so they would be closed by the time the restaurant is in a dinner rush.

Mr. Cerminara made a motion to close the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously. Mr. Urice move this matter to number 5 under Old Business so they can discuss this and give Mrs. Emminger guidance. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Sawmill Road Property, LLC - Application for Special Application to allow use (Belimo Air Controls [USA] Inc.) generating over five hundred (500) vehicle trips per day in the IL-40 Zone - Turner Rd. (#A17001) - SE #724.

Ms. Hoffstaetter excused herself as she is not eligible to vote on this.

Mrs. Emminger said she prepared a draft resolution which was e-mailed yesterday morning and a revision with minor changes was sent today. Chairman Finaldi said the whereas are pretty straightforward stuff. Mrs. Emminger said the minor revisions were to correct typos. Mr. Urice said he does not think they need to go through every item since what is being proposed is a similar operation to what was previously located on this site. Chairman Finaldi asked about widening the turning radii and traffic controls. Mrs. Emminger said they are both included in the resolution. She added that zoning compliance will not be issued until this work is done, which means they cannot get the Certificate of Occupancy either.

Chairman Finaldi reminded them that they should look through the conditions specified in the Regulations. The proposed building will be on the same footprint, although it will be a bigger building. They are trying to use as many of the existing driveways and parking areas as possible. Mr. Urice said they had said they were going to leave the existing landscape buffer and just add to it. Chairman Finaldi said they did submit a traffic report which was reviewed and approved by the City Traffic Engineer. The also volunteered to fix the sidewalk, which is actually in Ridgefield. Mrs. Emminger said they have received approval from the EIC and the stormwater drainage has been approved by the Engineering Dept. Mr.

Planning Commission Minutes May 16, 2012 Page 3

Urice said they have worked to make the proposed building less intrusive than the previous one and to blend it into the property. Mrs. Emminger said there are still some issues in the final Engineering letter regarding the design of the sewer and water and the final drainage design but they are things that cannot really be done until the final design is determined. Mr. Urice made motion to approve per resolution dated and revised May 16, 2012. Mr. Cerminara seconded the motion and it was passed unanimously.

Sympaug Properties Inc. – Application for Floodplain Permit – "Indoor Field Sports Arena", Shelter Rock Lane (#L15001) – SE #709.

Mr. Urice made a motion to table this until the next meeting. Ms. Hoffstaetter seconded the motion and it was passed unanimously. .

<u>DXR Aviation Center Assoc. — Application for Floodplain Permit (DXR Aviation Center) — Wallingford Rd. (#G18017 & #G18018) — SE #718</u>

Chairman Finaldi said they should have received a draft resolution. Mrs. Emminger said she would go through it quickly. The special exception was approved in December 2011 and they have been waiting since then for the Engineering Dept. to sign off on the drainage and utilities. She said the construction of the garage addition and on-site grading will result in an overall increase in flood storage of 26 cu.yds. She said this is slightly more complicated because the existing hangar garage and the slab must match both the existing slab and the existing apron approach to the taxi-way. She added that the addition is to be used for garage space only. The plans have been approved by the Engineering Dept. She said all of the standard conditions are included in the resolution. Mr. Urice made a motion to approve this per the revised resolution dated May 15, 2012. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

<u>Ridgewood Country Club Inc. -- Application for Floodplain Permit - 119-135 Franklin Street</u> Ext. (#G13029) — SE #722

Chairman Finaldi said they should have received a draft resolution. Mrs. Emminger said this special exception was approved in March of this year and they have been waiting for the Engineering Dept. to finish their review. Chairman Finaldi said he is a member, but sees no need to recuse himself from this. Mrs. Emminger said that the majority of the site work is located outside of the floodplain and there are no cuts or fills proposed within the limits of the floodplain. The applicant's engineer is proposing to replace a storm drain pipe at the edge of the floodplain. The plans have been approved by the Engineering Dept. She said all of the standard conditions are included in the resolution. Ms. Hoffstaetter made a motion to approve this per the draft resolution. Mr. Cerminara seconded the motion and it was passed unanimously.

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Planning Commission Minutes May 16, 2012 Page 4

<u>Joseph J. & Paul F. LoStocco – Application for Special Exception to allow Outdoor Storage of Construction Equipment (Decker Family Rental) in the CG-20 Zone – 108 Federal Rd.</u> (#L09024) – SE #725.

Chairman Finaldi said they had moved this here so they could give Mrs. Emminger some guidance in reference to preparing a resolution for the next meeting. He asked if any of the Commission members had any issues they wanted to see addressed. When no one responded, he asked Mr. Cerminara since he owns a business on this same street. Mr. Cerminara said there is a major league rental center on the other end of the street and the most important issue is keeping the place neat, possibly by keeping the equipment in the rear of the building. Someone mentioned that they should ask the applicant to keep the equipment in a retracted position while it is stored. Mrs. Emminger said they have already agreed to a 6 ft. high view restrictive fence so they neighbors in the restaurant don't have to look at the equipment.

REFERRALS:

<u>8-3a Referral - Petition of Taryn A. Aiello, 9 Whitlock St. (#I15234) for Change of Zone from RA-8 to R-3. Zoning Commission public hearing scheduled for May 22, 2012.</u>

Mrs. Emminger reviewed the staff report prepared by the Planning Director. She asked if anyone had any questions and there were none. Mr. Urice said this is not the first time they have seen an application requesting a zone change to make a non-conforming use conforming, but this is not the way to do that. He added that there is no compelling reason to change the zone. Mr. Urice made a motion to give this a negative recommendation for the following reasons:

• This does not comply with the Plan of Conservation & Development. There is no compelling reason to change this zone and this will only create another kind of non-compliance. Rezoning is not the appropriate method to bring non-conformities into compliance.

Ms. Hoffstaetter seconded the motion and it was passed unanimously.

Chairman Finaldi said there was nothing under For Reference Only, Correspondence or Other Matters.

At 8:30 PM Mr. Urice made a motion to adjourn. Ms. Hoffstaetter seconded the motion and it was passed unanimously.